

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIKA CANAS, et al.,
Plaintiffs,
v.
CITY OF SUNNYVALE, et al.,
Defendants.

NO. C08-5771 TEH

NOTICE OF INTENDED
RULING ON DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

This matter came before the Court on July 23, 2012, on Defendants' motion for summary judgment. This notice is intended only to inform the parties of the Court's intended ruling on that motion. The Court issues this notice now to provide guidance to the parties as they meet and confer and prepare the joint pretrial conference statement due on August 17, 2012.¹ A final ruling will be forthcoming.

The Court intends to rule as follows:


1. The Court intends to DISMISS Plaintiffs' Fourth Amendment claim based on allegations of material misrepresentations made in support of the application for an arrest warrant, by consent of the parties.
2. The Court intends to DENY summary judgment on Plaintiffs' remaining Fourth Amendment claims.
3. The Court intends to GRANT summary judgment on Plaintiffs' Fourteenth Amendment claims.

¹If the Court modifies any of these intended rulings in its final order, it may request that the parties submit a revised pretrial conference statement or may simply discuss the impact of the Court's ruling at the pretrial conference.

1 4. The Court intends to DENY summary judgment on Plaintiffs' state law negligence
2 claims.

3
4 **IT IS SO ORDERED.**

5
6 Dated: 08/09/12



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT